

**REMARKS**

Claims 21 and 23-52 are pending on this application. Claim 22 was cancelled in a previous response. Claims 21, 42, and 49 are amended.

Claims 21, 42, and 49 have been amended to recite “wherein the complex electronic message or request comprises: a transfer message or request, or a package message or request.” Exemplary support for these amendments can be found throughout the specification and are exemplified in page 21, line 16 to page 22, line 5, and Figs. 4 and 5 of the original specification. No new matter has been added.

In the Appeal of final Office Action, the Office has affirmed rejection of the claims of this application as follows: claims 21, 23-31, 33-38 and 40-48 are rejected under 35 U.S.C. § 102(b) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” (“MQSeries”); claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,995,921 to Richards *et al.* (“Richards”); and claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,544,347 to Yanai *et al.* (“Yanai”).

**Rejection of Claims 21, 23-31, 33-38 and 40-48 in View of MQSeries  
Under 35 U.S.C. § 102(b)**

Claims 21, 23-31, 33-38, and 40-48 are rejected under 35 U.S.C. § 102(b) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” (“MQSeries”). This rejection is respectfully traversed and reconsideration is requested. MQSeries fails to disclose each and every element of amended independent claims 21 and 42.

MQSeries fails to disclose “wherein the complex electronic message or request comprises: a transfer message or request, or a package message or request,” as recited in amended claims 21 and 42. The decision on appeal ruled that MQSeries recites BATCH and non-BATCH messages, wherein BATCH allegedly discloses complex messages and a non-BATCH allegedly discloses simple messages. For example, MQSeries, recites that “[t]he user interface process selects between immediate and batch processing by specifying a different reply-to queue in the inquiry message. It also sends the inquiry messages with different priorities to make sure immediate inquiries are processed ahead of batch inquiries.” MQSeries, page 33. Claims 21 and 42 have been amended to further clarify that a complex message or request is a

transfer or package message or request. A BATCH or non-BATCH message is not a transfer or package message or request. Thus, MQSeries fails to disclose “wherein the complex electronic message or request comprises: a transfer message or request, or a package message or request,” as recited in amended claims 21 and 42. Therefore, MQSeries fails to disclose each and every element of independent claims 21 and 42.

Accordingly, because the cited reference does not disclose all of the elements of independent claims 21 and 42, the Office has failed to establish the required *prima facie* case of unpatentability. Similarly, the Office has failed to establish a *prima facie* case of unpatentability for claims 23-31, 33-38, 40-41, and 43-48 depending on claims 21 and 42 and which recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 21, 23-31, 33-38, and 40-48.

**Rejection of Claim 32 in View of MQSeries and Richards**  
**Under 35 U.S.C. § 103(a)**

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards. This rejection is respectfully traversed. Claim 32 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 32 should be allowable under MQSeries for these reasons as well. Further arguments are reserved with respect to dependent claim 32. Richards does not cure the deficiencies of MQSeries. The Office cites to Richards for audio and visual devices and translation software, not “complex electronic messages.” Because Richards does not teach or suggest the deficiencies of MQSeries, claim 32 is not obvious in view of the cited references and should therefore be allowed. Therefore, the undersigned representative respectfully requests that the Office withdraw the rejection of claim 32.

**Rejection of Claims 39 and 49-52 in View of MQSeries and Yanai**  
**Under 35 U.S.C. § 103(a)**

Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai. This rejection is respectfully traversed.

Claim 39 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Yanai fails to cure the deficiencies of MQSeries. The Office relies on Yanai only for “data mirroring,” and not for “complex electronic messages.” Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 21 of the present application. Further arguments are reserved with respect to dependent claim 39. Because Yanai does not teach or suggest the deficiencies of MQSeries, claim 39 is not obvious in view of the cited references and should therefore be allowed.

With regard to claim 49, MQSeries fails to teach or suggest “wherein the complex electronic message or request comprises: a transfer message or request, or a package message or request.” The decision on appeal ruled that MQSeries recites BATCH and non-BATCH messages, wherein BATCH allegedly discloses complex messages and a non-BATCH allegedly discloses simple messages. For example, MQSeries, recites that “[t]he user interface process selects between immediate and batch processing by specifying a different reply-to queue in the inquiry message. It also sends the inquiry messages with different priorities to make sure immediate inquiries are processed ahead of batch inquiries.” MQSeries, page 33. Claim 49 has been amended to further clarify that a complex message or request is a transfer or package message or request. A BATCH or non-BATCH message is not a transfer or package message or request. Thus, MQSeries fails to teach or suggest “wherein the complex electronic message or request comprises: a transfer message or request, or a package message or request,” as recited in amended claim 49. Therefore, MQSeries fails to teach or suggest each and every element of independent claim 49.

Yanai fails to cure the deficiencies of MQSeries. The Office relies on Yanai only for “data mirroring,” and not for “complex electronic messages.” Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 49 of the present application.

Accordingly, because the cited references, separately or in combination, do not teach or even suggest the limitations of independent claim 49, the Office has failed to establish the required *prima facie* case of unpatentability. See *In re Royka*, 490 F.2d 981, 985 (CCPA 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); see also MPEP § 2143.03. Similarly, the Office has failed to establish a *prima facie* case of unpatentability for claims 50-52 depending on claim 49 and which

recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 49-52.

**CONCLUSION**

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

Date: 11/25/2008  
KING & SPALDING LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006  
(202) 626-8980

By: /Eric L. Sophir Reg. No. 48,499/  
Eric L. Sophir  
Registration No. 48,499